

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: February 21, 2002

TO: Orange County Zoning Administrator

FROM: Planning and Development Services Department/Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA01-0136 for Use Permit

PROPOSAL: The applicant requests approval of a Use Permit per Orange County Zoning Code Section 7-9-146.5 to establish a second residential unit, accessory to an existing single-family dwelling.

LOCATION: In the Orange Park Acres area at 10991 Meads Ave. Third Supervisorial District

APPLICANT: Audra and Andreas Kronenberg, property owners

STAFF William V. Melton, Project Manager
CONTACT: Phone: (714) 834-2541 FAX: (714) 667-8344

SYNOPSIS: Current Planning Services Division determined that the proposed second residential unit conforms to all criteria in Zoning Code Section 7-9-145.6 and recommends Zoning Administrator approval of PA01-0136 for Use Permit subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The subject project site is an irregularly shaped, 1 acre in size (197 feet in width at the widest point and 200 feet deep) and is zoned E4 "Small Estates"-1 (one acre minimum lot size). The rear half of property is developed with a two-story single-family dwelling, a barn and a gazebo. The front half of the property is a fenced horse corral separated from the rear property by a circular driveway from Meads Avenue (see site aerial photos in Exhibit 2).

The applicant proposes to construct a second residential unit (SRU) accessory to an existing single-family residence. The proposed SRU is located at the front of the property, which is currently the horse corral. According to the applicant's agent, a pool and garden area will replace the horse corral in the future. The proposed SRU is located 27 feet from the northern side property line, 38 feet from the southern side property line and 30 feet back from the eastern front property line. The proposed SRU is one-story, 22 ½ feet in height, contains 1,190 square feet of habitable living area and includes one bedroom, one bathroom, a living room, a kitchen/eating area, a pool bath and an equipment room. In addition to the SRU, a new private sewage disposal system is required.

SURROUNDING LAND USE:

Direction	Zoning	Existing Land Use
Project Site	E4 “Small Estates”-1	Single-family residential
North	E4 “Small Estates”-1	Single-family residential
South	E4 “Small Estates”-1	Single-family residential
East	E4 “Small Estates”-1	Single-family residential
West	E4 “Small Estates”-1	Single-family residential

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to seven County Divisions, the Foothills Community Association and the Orange Park Acres Association. As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions by staff. The Foothills Community Association and the Orange Park Acres Association did not submit comments.

CEQA COMPLIANCE:

The proposed project is Categorically Exempt (Class 3, construction of limited numbers of new small structures or facilities) from the requirements of CEQA. Appendix A of this report contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

Second residential units, per Zoning Code Section 7-9-146.5, are permitted in any zone permitting a single-family dwelling subject the approval of a Use Permit. However, four criteria need to be satisfied before a Use Permit for a second residential unit can be approved. These four criteria are as follows:

1. Accessory to a single-family dwelling
2. Cannot exceed 1,200 square feet of habitable living space if detached
3. Cannot be located in any building setback area
4. Provide for one additional standard covered or uncovered on-site parking space

Staff review of the proposal determined that the proposed SRU does conform to the four criteria listed as follows:

1. The property is developed with a single-family dwelling. Therefore, the proposed SRU is accessory to a single-family dwelling.
2. The plans submitted indicated that proposed SRU has 1,190 square feet of living space. The site plans also indicated that a 53 square feet equipment room was included in the total square footage. This area could be deleted from the total square footage because it is not habitable living space. Therefore, the proposed SRU does not exceed the maximum square footage permitted of 1,200 square feet.
3. The E4 “Small Estates” District requires setbacks for this lot as follows: a front setback of 30 feet, a side setback of 16.5 feet (which is of 10% of the average lot width). As indicated in the background sections of this report, the location of proposed SRU exceeds these setbacks. Therefore, the SRU is not located in any building setback.
4. One additional open parking space, measuring 12 feet by 20 feet, is located south of the proposed SRU and is accessed by the existing driveway. Therefore, the additional parking space is provided.

Staff notes that the proposed SRU appears to be compatible with the surround residential development in terms of both design and setbacks. Regarding design, the majority of the structure is approximately 14 feet in height. An architectural element over the living room provides a ceiling height of 14 feet, creating a spacious and airy space. On top of this element is a 3 feet high cupola with weather vane, bringing the total height of the structure to 22 ½ feet. This design, together with the full length 70 feet wide by 8 feet deep front porch, appears to be compatible with existing residential development in Orange Park Acres.

In most applications for SRUs, the structure is generally not located at the front of the property. However, residential setbacks along Meads Avenue range from properties developed with corrals and large open areas in the front and the residence to the rear, to residences in the front and corrals and large open spaces and recreational uses in the rear. The setback proposed for the SRU is not of line with other developments in the vicinity. It is important to note that a five to six feet tall stucco wall and wrought iron fence combination together with a dense growth of mature trees is located between the proposed SRU and Meads Avenue. These front yard trees are typical of properties along Mead Avenue. Even though the SRU conforms to the front setback standards, some area property owners could find the location of the SRU is out of place as an accessory structure. The dense vegetation at the front of the site helps screen the SRU from neighboring views and should lessen those types of concerns.

Staff review of the proposal determined that the proposed SRU conforms to all criteria in Zoning Code Section 7-9-145.6 permitting such uses. The design and location of the proposed SRU, is in line with residential development in the near vicinity. Staff supports the proposal and makes a recommendation for approval as follows.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA01-0136 for Use Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief
CPSD/Site Planning Section

WVM

Folder: C:\Documents and Settings\meltonw\My Documents\Use Permits\Use Permit 2001\PA01-0136 Staff 02-21 Kronenberg.doc

APPENDICES:

- A. Recommended Findings
- B. Recommended Conditions of Approval

EXHIBITS:

1. Applicant's Letter of Explanation
2. Site Photos
3. Site Plans

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the Planning and Development Services Dept.